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REMARKS

Claims 1-3, 5, 7 and 8 were rejected under 35 USC 102 as being anticipated by Swan et al, US Patent 6,263,071. Applicant respectfully traverses.

The Swan et al reference teaches a system where, at the customer premises there is a processor (PCC 10) that, *inter alia*, is responsive to incoming calls. As taught at col. 8, lines 9-32, when the calling number ID (CLID) is provided by the central office, the processor consults a local directory, and from a list of local recipients decides who is the intended "called party" ("adults and kids or individuals within the household"). Based on that determination, an appropriate alert signal is generated. When the CLID is not provided, the processor answers the call and engages the calling party in an interactive session to determine the intended "called party."

In contradistinction, amended claim 1 specifies a method that (a) determines *whether* to create a "called number ID signal," (b) develops such a number when a database lookup so indicates, and (c) sends the developed signal to a line to which CP is connected. While it is true that the defined method does not specify where the method is carried out, it is certainly clear that the developed signal is sent to CPE.

Regarding claims 1, 3, and 5 the Examiner describes the Swan et al arrangement and, although the description is not incorrect, it is incomplete and therefore somewhat misleading. The Examiner fails to identify the element or elements that allegedly perform(s) the method steps specified in the rejected claims. Since elements 10, 16, 12, 22, and 60 are mentioned, it is assumed that the Examiner asserts that the method is carried out in the apparatus described in Swan et al.

There is, indeed, a database lookup that is executed by PCC 10. That look-up, however, is in effort to associate a recipient's identify with a received caller ID.¹ There is no issue in connection with this database lookup as to whether to create a called number ID signal – which, broadly speaking, is a signal that somehow differentiates one called number from another called number.

¹ It is not clear how, practically, the system work when, for example, Grandma is the caller, since it is not known whether the call is for the son, the daughter-in-law, or for any of the grandchildren.

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The closest that the Swan et al reference comes to the "called number ID signal" of applicant's claim 1 is the different alert signals that are created. However, those signals do NOT correspond to the called number ID signals because

1. those signals are NOT a function of a called number, because all calls arriving at PCC 10 are calls to one and only one number;
2. those signals are NOT in response to a database query to determine whether to develop those signals;
3. those signals are not FSK modulation signals; and
4. if anything, those signals are related to caller ID and not to called numbers.

Hence, it is respectfully submitted that amended claim 1 is neither anticipated nor rendered obvious by the Swan et al reference. Based on the above four reasons for holding amended claim 1 patentable over Swan et al, it is clear that none of the changes to amended claim 1 were necessitated by an effort to overcome the applied prior art.

As for claim 3, it buttresses applicant's position relative to amended claim 1, because it specifies an alert signal – which by the doctrine of claim differentiation clearly directs the conclusion that the "called number ID signal" is something other than the alert signal itself (that Swan et al teach). Since claim 3 is dependent on amended claim 1, it follows that claim 3 is also not anticipated nor rendered obvious by the Swan et al reference.

Regarding claim 5, it depends on claim 4, which depends on claim 3. At least by virtue of its dependence on claim 3, it is respectfully submitted that claim 5 is also not anticipated or rendered obvious by the Swan et al reference. Actually, the rejection of claim 5 under 35 USC 102 appears to be inappropriate since it depends on claim 4, which was not rejected under 35 USC 102 (though it was rejected under 35 USC 103).

Regarding claim 2, the Examiner asserts that the "called number ID signal is inherently and [sic] FSK modulated signal." Applicant respectfully disagrees. Although the claim is deleted herein, its limitation is included in amended claim 1 so it bears noting that the Swan et al patent makes no reference to called numbers, and does not mention FSK modulation at all. If the Examiner is referring to the conventional "caller ID" signal, it suffices to note that the claim addresses a called number ID.

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As for claims 7 and 8, applicant respectfully notes that those claims depend on claim 1.

Claims 4 and 6 were rejected under 35 USC 103 as being unpatentable over Swan et al in view of Copelinski, US Patent 4,293,737. Applicant respectfully traverses.

The Copelinski patent describes an arrangement where the ringing signal to the telephone consists of a first sequence of ringing bursts followed by a second sequence of ringing bursts. The first sequence is captured and decoded to determine which telephone should be rung.

There is no motivation for combining the Copelinski teachings with the Swan et al teachings, because the Swan et al PCC 10 already knows which of the household telephone should be rung and with which distinctive ringing signal. Hence, there is no need for PCC 10 to do any encoding prior to sending the signals to the destined telephones.

In spite of the fact that there is no motivation for combining the Copelinski teachings into those of Swan et al, it bears noting that one can consider the first sequence of the Copelinski ringing bursts as the "called ID number signal" that precedes the ringing signal. In such a case, one might assert that the Copelinski reference teaches having a called-number ID signal that preceded the ringing signal. However, there is no teaching to suggest that this signal is developed in consequence of a database look-up and, therefore, this signal does not correspond to the "called number ID signal" of amended claim 1. Moreover, amended claim 1 specifies that the called number ID signal is coded by means of FSK modulation and, clearly the coding scheme of Copelinski, which involves counting number of bursts in the decoded sequence and the duration of the last burst, is not FSK modulation. Therefore, applicants believe that claims 4 and 6 are not obvious in view of Swan et al and Copelinski.

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In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's objections and rejections have been overcome. Reconsideration and allowance are, therefore, respectfully solicited.

Dated: 9/11/03Respectfully,
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